

Leenan, J
McMahon, J
PART I

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

PAN OCEANIC MARITIME INC.,

Plaintiff.

- against -

SOURCE LINK SHIPPING CO., LTD.,

Defendant.

USDC SDNY	07 CV 3089
DOCUMENT	ECF CASE
ELECTRONICALLY FILED	
DOC #:	
DATE FILED: 4-18-07	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT

WHEREAS, on April 18, 2007 Plaintiff, PAN OCEANIC MARITIME INC., filed an Amended Verified Complaint herein for damages amounting to \$484,927 inclusive of interest, costs and reasonable attorney's fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Supporting Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District, including but not limited to, ABN Amro, American Express Bank, Bank of America, Bank of New York, Citibank, Deutsche Bank, HSBC (USA) Bank, JP Morgan Chase, Standard Chartered Bank and/or Wachovia Bank, in an amount up to and including \$484,927 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and

Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, and this Order, may be made by way of fax transmission or other verifiable electronic means, including e-mail, to each garnishee; and it is further

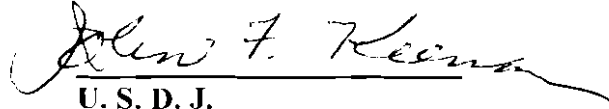
ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

Dated: April 18, 2007

SO ORDERED:


U. S. D. J.

Part I



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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAN OCEANIC MARITIME INC.,

Plaintiff,

- against -

SOURCE LINK SHIPPING CO., LTD.,

Defendant.
-----X

APR 18 2007

CASE 07 CV 3087

07 CV 3087
ECF CASE

AMENDED VERIFIED COMPLAINT

The Plaintiff, PAN OCEANIC MARITIME INC. (hereinafter "Plaintiff"), by its attorneys, Tisdale & Lennon, LLC, as and for its Amended Verified Complaint against the Defendant, SOURCE LINK SHIPPING CO. LTD. (hereinafter "Defendant") alleges, upon information and belief, as follows:

1. This is an admiralty and maritime claim within the meaning of Federal Rule of Civil Procedure 9(h) and 28 United States Code § 1333.
2. At all material times, Plaintiff was and still is an entity duly organized and existing by virtue of the laws of the state of Delaware.
3. Upon information and belief, at all material times, Defendant was and still is an entity duly organized and existing by virtue of foreign law with a principal place of business in British Virgin Islands.

4. By way of a Forward Freight Agreement dated November 2, 2006 (hereafter "FFA"), on the FFABA 2005 Contract, Defendant agreed to sell and buy freight futures with the Plaintiff.

5. The FFA provided for settlement dates of the last day of three contract months: January, February and March of 2007. The March 2007 settlement date provided that Defendant sustained a loss payable to Plaintiff in the sum of \$318,662.04.

6. Despite due demand for payment of the March 2007 settlement of the FFA, Defendant has failed to remit payment to Plaintiff in breach of the FFA.

7. As a result of Source Link's breach of the FFA Plaintiff has suffered a loss in the total principal sum of \$318,662.04 as best can now be estimated, exclusive of interest, recoverable costs and reasonable attorneys fees.

8. Pursuant to the FFA's, all disputes arising thereunder are to be submitted to the English High Court with English law to apply.

9. As a result, Plaintiff is currently preparing to commence litigation in the English High Court on its claims as described hereinabove.

10. Interest, costs and attorneys' fees are routinely awarded to the prevailing party in English High Court proceedings conducted pursuant to English Law. As best as can now be estimated, Plaintiff expects to recover the following amounts:

A.	Principal claim:	\$318,662;
B.	Estimated interest on the principal claims at 6.5% for three years:	\$66,265;
C.	Attorneys' fees and other recoverable costs:	\$100,000.
Total:		\$484,927.

11. The Defendant cannot be found within this District within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but, upon information and belief, Defendant has, or will have during the pendency of this action, assets within this District and subject to the jurisdiction of this Court, held in the hands of garnishees including, but not limited to, ABN-AMRO, American Express Bank, Bank of America, Bank of New York, Deutsche Bank, Citibank, HSBC Bank USA Bank, J.P. Morgan Chase, Standard Chartered Bank and/or Wachovia Bank N.A. which are believed to be due and owing to the Defendant.

12. The Plaintiff seeks an order from this Court directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims attaching any assets of the Defendant held by the aforesaid garnishees for the purpose of obtaining personal jurisdiction over the Defendant, and to secure the Plaintiff's claims as described above.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against the Defendant, citing it to appear, and answer under oath all and singular the matters alleged in the Complaint;

B. That since the Defendant cannot be found within this District pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims and federal common law attaching all tangible or intangible property in whatever form or any other funds held by any garnishee, including, but not limited to, ABN-AMRO, American Express

Bank, Bank of America, Bank of New York, Deutsche Bank, Citibank, HSBC Bank USA Bank, J.P. Morgan Chase, Standard Chartered Bank and/or Wachovia Bank N.A. which are due and owing to the Defendant, in the amount of **\$484,927** to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged in the Verified Complaint;

C. That this Court recognize and confirm any foreign judgment/award of costs on the claims had herein as a judgment of this Court;

D. That this Court retain jurisdiction over this matter through the entry of any judgment or award associated with any of the claims currently pending, or which may be initiated in the future, including any appeals thereof; and

E. That the Plaintiff have such other, further and different relief as the Court may deem just and proper.

Dated: April 17, 2007
Southport, Connecticut

The Plaintiff,
PAN OCEANIC MARITIME, INC.

By:


Lauren C. Davies (LD 1980)
Kevin J. Lennon (KL 5072)


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ATTORNEY VERIFICATION

State of Connecticut)
) ss: Town of Southport
County of Fairfield)

1. My name is Lauren C. Davies.
2. I am over 18 years of age, of sound mind, capable of making this Verification and fully competent to testify to all matters stated herein.
3. I am the attorney for the Plaintiff in this action. I am fully authorized to make this Verification on its behalf.
4. I have read the foregoing Amended Verified Complaint and the contents thereof are true and accurate to the best of my knowledge, information and belief.
5. The reason that this Verification was made by me and not the Plaintiff is that the Plaintiff is a corporation none of whose officers are present in this District.
6. The source of my knowledge is information and records furnished to me by the Plaintiff and its solicitors, all of which I believe to be true and accurate.

Dated: April 18, 2007
Southport, Connecticut



Lauren C. Davies

2. I have attempted to locate the Defendant, SOURCE LINK SHIPPING CO. LTD. within this District. As part of my investigation to locate the Defendant within this District, I checked the telephone company information directory, as well as the white and yellow pages for New York listed on the Internet or World Wide Web, and did not find any listing for the